FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application No.1375/07.

Prakash Bhavani Wagh
.vs.
Dattatraya Ayaji Chavare

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

Coram: C. L. PANGARKAR J.
Dated : 11th September, 2007.

1. Heard Mr.I.K.Jadhav, Advocate for the applicant.

2. This application for leave to appeal against the order of acquittal is filed by the complainant. The accused has been acquitted of the offence under Section 138 of Negotiable Instruments Act. It is the case of the complainant that he had advanced a loan of Rs.1,15,000/- to the accused and the accused had issued a cheque of Rs.1,15,000/-, which came to be dishonoured.

From the defence of the accused, it appears that he certainly admits to have taken some amount from the complainant and he also admits to have issued the cheque which bears his signature. In view of this, it is apparent that the presumption arises in favour of the complainant under Section 139 of the Negotiable Instruments Act. I am shown the receipt said to have been executed by the complainant. This receipt, which is allegedly executed by the complainant, does not match with the defence raised by the accused. In view of this, I find that this a fit case for grant of leave to appeal.

Leave to appeal is granted.

Accused to furnish fresh bail bond before the trial court within period of one month from today.

Issue notice to the accused.

Judge.

pzc